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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION - LOS ANGELES

LINO MARTINEZ,

Plaintiff,

v.

NDEX WEST, LLC,; AMERICAS
 SERVICING COMPANY; DEUTSCHE
 BANK NATIONAL TRUST COMPANY,
 as Trustee for Fremont Home Loan Trust
 2006-3,; FREMONT INVESTMENT AND
 LOAN; and DOES 1-10, inclusive,

Defendants.

CASE NO: CV08-07348 R (AJWx)

Hon. Manuel L. Real

Courtroom 8 - Spring Street

JUDGMENT

Complaint filed: October 1, 2008

First Amended

Complaint Filed: January 15, 2008

Trial Date: None Set

The Court, having entered an Order granting the Motion of Defendant FREMONT REORGANIZING CORPORATION, fka FREMONT INVESTMENT & LOAN ("Fremont") to Dismiss the First Amended Complaint of Plaintiff Lino Martinez ("Plaintiff") pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(e) for failure to state a claim upon which relief can be granted on March 27, 2009, and good cause appearing therefor, enters judgment as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants' motion

1 to dismiss is granted without leave to amend.

2 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiffs' first
3 amended complaint is dismissed with prejudice as to FREMONT REORGANIZING
4 CORPORATION, fka FREMONT INVESTMENT & LOAN ("Fremont"). Plaintiff is to recover
5 nothing from Defendants.

6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff's counsel,
7 MW Roth PLC and/or Mitchell Roth, jointly and severally shall reimburse Plaintiff any monies
8 he paid to file or pursue this lawsuit.

9 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that MW Roth PLC
10 and/or Mitchell Roth, jointly and severally, shall pay Defendants the sum of seven-thousand-six-
11 hundred-forty dollars (\$7,640.00), which constitutes all attorney's fees and costs incurred by
12 Defendants in defending this action.

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15 Dated: __June 8, 2009__



Hon. Manuel L. Real
United States District Court Judge

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